

REMARKS

Applicants respectfully request reconsideration of the subject application. This Response is submitted in response to the Office Action mailed June 29, 2009. In this Amendment, claim 1 has been amended and claims 11 and 12 have been canceled. No new matter has been added.

Applicants reserve all rights under the doctrine of equivalents.

Objections to the Claims

The Examiner objected to claims 1, 6, 7 and 9 as containing informalities. Applicants have corrected the informalities in claim 1. Furthermore, applicants respectfully submit that in claims 6, 7, and 9, the word "yoghurt" has consistent spelling. Applicants further respectfully submit that no new issues are raised by the corrections and respectfully request the withdrawal of the objection.

35 U.S.C. § 112 Rejections

Claims 1, 2, 6, 7, 9, and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not describe in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner has requested that applicant submit an affidavit or declaration by applicant stating that cell line *Bifidobacterium* KK-1 (KCCM-10364) has been deposited under the Budapest Treaty. In response, applicant is submitting a declaration, herewith, stating that the cell line *Bifidobacterium* KK-1 (KCCM-10364) has been deposited under the Budapest Treaty.

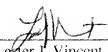
Applicants respectfully submit that claims 1, 2, 6, 7, 9, and 10 comply with 35 U.S.C. § 112, first paragraph, and, applicants respectfully request that the Examiner withdraw the rejection.

Applicant respectfully submit that the pending claims overcome the applicable rejections. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,
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Date: September 29, 2009



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